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Working Paper Number Two

State-Regional Land Use Task Force

University of Illinois - Department of Urban & Regional Planning



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ISSUE ANALYSIS AS A BASIS FOR DETERMINING ROLES OF SUB-STATE REGIONS

In the federal system, the several levels of government have varied roles in dealing with different major issues. This paper suggests an approach to defining the roles of sub-state regions by analyzing the functions assigned in the resolution of specific major issues. The Appendix illustrates the approach by analyzing three major issues selected because they are significant from a state perspective but have differing characteristics in the three sub-state regions as reported in Working Paper Number One.

This working paper is one of three reports produced by the 1973 Workshop on State-Regional Land Use Planning in the Department of Urban and Regional Planning at the University of Illinois at Urbana. Directors of the workshop were Professors Louis B. Wetmore and Albert Z. Guttenberg.

Each of these reports opens with a suggested framework for state-regional land use planning and management which was devised to provide a context for the three working papers. The framework concept was formulated by Charles Cumby and Karen Yonkers and has been developed for use in these publications by Eugene Goldfarb and Keith Heron.

The basic research and analysis for this working paper was the responsibility of task force members Sarah Boros and David Groebe. This publication has been developed and edited from the December 1973 draft by Sarah Boros, David Groebe and Karen Yonkers.

The Appendix reports were developed by task force teams as follows: The Preservation of Agricultural Land by William Eckel, Stanley Parsons, Karen Yonkers and Ken Yonkers; Flood Plain Management by Catherine Freebairn, Rosemary Naphin, Dorothea Stefen and Jill Tiedt; and the Expansion of Low Cost Housing by Charles Floore, Keith Heron, John Liberty and Larry Willbrandt. Karen and Ken Yonkers were responsible for final editing of the Appendices.

The members of the workshop wish to thank the Bureau of the Budget and the Department of Local Government Affairs of the State of Illinois for their joint sponsorship of this project.

Working Paper Number Two

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I. A SUGGESTED FRAMEWORK FOR STATE-REGIONAL LAND USE PLANNING AND MANAGEMENT

The central questions confronting the state in the development of a land use planning and management process concern the procedure and scope of such an inquiry. The papers collected here represent the culmination of a workshop designed to examine some of these questions and place them in an ordered relation to each other to participants in the planning process.

The study was designed to focus on the role of the substate region within the total state land use planning and management procedure. Initially, the study was to survey the development issues in three Illinois substate regions in order to get a handle on the actual land use related issues facing Illinois and the degree of variation among various regions of the state.¹

As the study developed it was expanded to include an issue analysis method which would allocate functions of government to different levels of jurisdiction for each particular issue under scrutiny.² This second stage of the study clarified the posture of the substate region in relation to other levels of concern (national, state, and local) and illustrated the range of functions to be allocated among levels in meeting the demands of particular problems.

Through published materials and the sessions of the National Planning Conference at Atlanta, workshop participants began to examine land use legislation in various states and current pieces of proposed legislation (Jackson and Humphrey Bills). This search eventually crystallized in an examination of two models which were felt to best represent nodal points of the national dialogue — the ALI (American Law Institute) and ACIR (Advisory Commission in Intergovernmental Relations) models. These were examined and found to be complementary models representing different facets of a total land use planning and management program.³

¹See Working Paper One

²See Working Paper Two

³See Working Paper Three

A. STAGE ONE - PERCEPTION OF ISSUES

The initial exercise of the workshop, a reconnaissance of three Illinois sub-state regions, was designed to elicit an identification of major and significant issues from each of the three planning agencies.⁴ These issues were not limited to land use concerns but included all those issues identified as significant in each of the three case study regions. The criteria for elevating an issue to major dimensions were either its urgency or dominance. A significant issue became major if placed within a time frame relative to a crisis situation — urgency. An issue was also considered major when it held the key to the resolution of other issues — dominance.

The survey results were then subjected to a systematic analysis by the workshop. First the issues were classified as either instrumental or substantive; a dichotomy which is best conceptualized as relating either to ends (substantive) or means (instrumental). Instrumental issues are concerned with methods of implementation whereas substantive issues are direct public concerns. The substantive issues were then further sorted onto three points of a conserve - develop continuum. (See Figure 1).

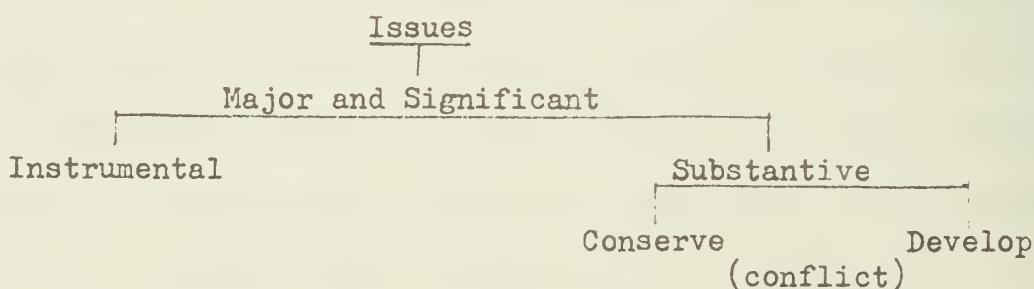


FIGURE 1: ISSUE ANALYSIS

⁴ See Working Paper One and Appendices

Conservation is defined as being primarily concerned with the efficient allocation of scarce resources and the preservation of areas of critical environmental concern. Emphasis is placed on inventorying, monitoring, and evaluation of land use changes for their resource impact. If such concerns are dominant, then state-wide incentives and regulations appear to be the main instruments for policy implementation.

By contrast, development refers to an emphasis on growth and the accommodation of new population and economic activity. Development issues tend to be addressed by formulating goals, objectives and policies to guide development in terms of growth and distribution patterns. Because conservation demands a wider scope of concern, state initiative and use of authority is implied; while the competitive nature of attracting growth and the spatial limits on distributing growth places a development approach within a local or regional context. Local initiative and management controls are central to resolution of development issues.

The investigations indicate that the three regions studied are concerned with both conservation and development issues in varying degrees depending upon each region's unique situation. Thus to meet the region's full range of concerns, a program which responds to both conservation and developmental issues should be established.

STAGE TWO - DISTRIBUTION OF AUTHORITY

Stage Two provides a technique for state analysis of each specific issue as a basis for allocating functions in a state land use planning and management program. The technique was designed to address the crucial question posed in developing a policy for dealing with any land use issue: namely, at what level should each function of the planning and development process take place?

At first, eight functions of the planning and development process were identified:

- | | |
|--|---|
| 1. data gathering
2. data analysis
3. objective and goal setting
4. determination of plans and policies | 5. determination of strategies
6. implementation
7. monitoring
8. evaluation |
|--|---|

The workshop then chose to concentrate on the four functions which possess authority/decision-making elements:

- | | |
|---|--|
| 3. objective and goal setting
4. determination of plans and policies | 5. determination of strategies
6. implementation
-- persuasion
-- subsidy incentive
-- regulation
-- public ownership |
|---|--|

The other four functions (data gathering, data analysis, monitoring, and evaluation) were not studied because their assignment is assumed to be largely on the basis of efficiency criteria.

The technique examines each function separately and assigns it to a specific level of government. The goal and objective setting function is allocated to the level which possesses the basic concern for the issues being analyzed. Implementation is likewise assigned to the level which possesses the authority to administer the implementation instrument, either through constitutional assignment or delegation. The determination of strategies, and of plans and policies, is assigned for each issue on the basis of three criteria for effectiveness.⁵

⁵ See Working Paper Two and Appendices

FIGURE 2: THE COMPARATIVE AUTHORITY MATRIX

PLANNING AND MANAGEMENT FUNCTIONS	PRESERVATION OF AGRICULTURAL LAND	FLOODPLAIN MANAGEMENT	EXPANSION OF LOW COST HOUSING
1. DATA GATHERING #			
2. ANALYSIS #			
3. GOAL & OBJECTIVE SETTING *	NATIONAL	NATIONAL	NATIONAL
4. DETERMINING PLANS & POLICIES	STATE	STATE	REGION
5. DETERMINING STRATEGIES	REGION	REGION	STATE
6. IMPLEMENTATION PROCESS **	STATE	STATE NATIONAL	STATE
a. Persuasion	REGION	REGION	REGION
b. Regulation	COUNTY	REGION	LOCAL(STATE)
c. Subsidy	STATE	NATIONAL	NATIONAL
d. Public Ownership	STATE	STATE	STATE
7. MONITORING #			
8. EVALUATION #			

These non-authority functions should be assigned to the level at which they can be performed most efficiently and effectively.

* Assigned to the level with Basic Concern and Territorial Scope and therefore most appropriate for setting goals and objectives.

** Assigned to the level with Constitutional Authority to use required powers or to assign responsibility for implementation to another level.

Three land use issues in Illinois -- preservation of agricultural land, flood plain management, and expansion of low cost housing -- were selected to test this model. The distribution of the authority functions among national, state, regional, and local governments for each of these issues is presented in Figure 2 (the Authority Matrix). In these limited but illustrative cases, the national government was uniformly assigned the authority function of goal and objective setting because of the nation-wide concern for resolving these issues. The state assumed the function of plan and policy determination and the region that of determining strategies for the two environmental issues, whereas for the housing issue the roles were reversed, with the state determining strategies after the region had set forth plans and policies.

The state government was identified as the level with vested authority for regulation and public ownership for all issues. The state, however, delegates authority to other levels except where it feels these authority functions would not be managed appropriately at another level. Basic operation of regulations was assigned to localities, except for state overview and over-ride for matters of state concern. Federal funds are the major base for subsidies which are at the center of incentive strategies. Regions were perceived as in the best position to use the power of persuasion under A-95 and other review procedures.

The workshop was particularly concerned with how the role of the region might vary as a function of differing county capabilities and sets of issues in various regions. Another matrix was established to clarify this question (see Figure 3 -- Region-County Matrix). The Region-County Matrix tests the delegation of authority functions among the three substate regions surveyed in Paper One for each issue analyzed in Paper Two. Regional variation was observed but was not a significant factor for the limited number of programs examined in this study. A more significant number of variations could be expected if a wider range of issues and substate regions were analyzed.

FIGURE 3: THE REGION/COUNTY MATRIX

	GREATER EGYPT		N. I. P. C.		CHAMPAIGN CTY	
	Reg.	County	Reg.	County	Reg.	County
<u>PRESERVATION OF AGRICULTURAL LAND</u>						
4. DETERMINING PLANS & POLICIES						
5. DETERMINING STRATEGIES	X		X		X	
6. IMPLEMENTATION						
a. Persuasion	X		X		X	
b. Regulation		X		X		X
<u>EXPANSION OF LOW COST HOUSING</u>						
4. DETERMINING PLANS & POLICIES	X		X			X
5. DETERMINING STRATEGIES						
6. IMPLEMENTATION						
a. Persuasion	X		X		X	
b. Regulation						
<u>FLOODPLAIN MANAGEMENT</u>						
4. DETERMINING PLANS & POLICIES						
5. DETERMINING STRATEGIES	X		X		X	
6. IMPLEMENTATION						
a. Persuasion	X		X		X	
b. Regulation	X			X	X	

Working Paper Two was centered around the role of the substate region. Two conclusions were stated as hypotheses for future study:

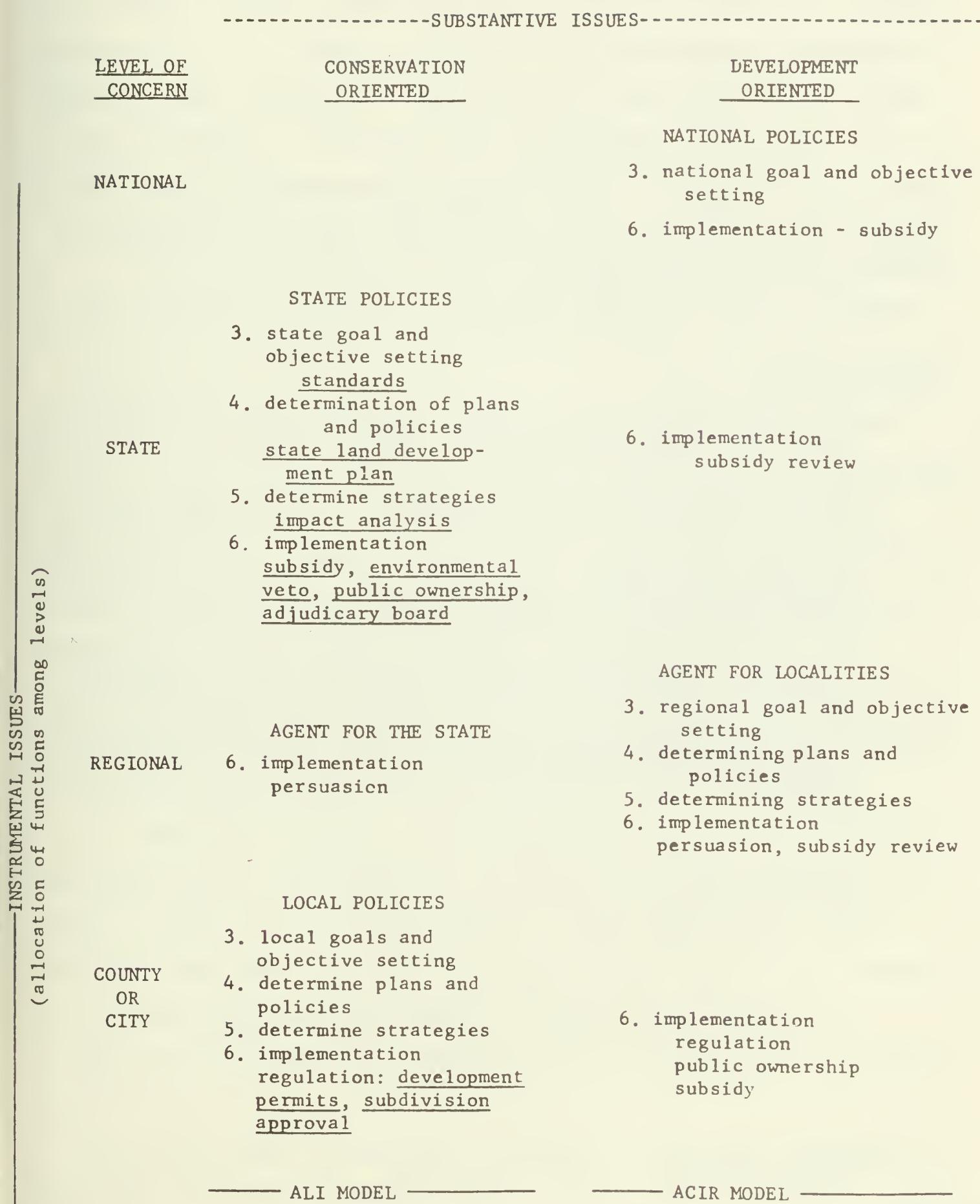
- 1) The region will have a range of functions determined by the three levels of general government -- national, state, and local. A region should have powers as well as responsibility to bring about cooperation in its assigned functions within a state land use planning and management process.
- 2) Neither of the ALI nor ACIR models will be adequate for Illinois; a hybrid of these two should be developed which would utilize one tier of regions throughout the state to represent flexibly state and local interests as appropriate within each region.

THE FRAMEWORK

The most significant result of this study is the manner in which the working papers developed by the various teams of the workshop combine to form a wholistic Framework. This Framework provides a systematic approach to examining and ordering the issues that pervade the design of a land use management program. The structure of this Framework is illustrated in Figure 4. The input from the issue analysis of Working Paper One was used to structure the Framework while the work on the distribution of authority functions in Working Paper Two provided its content.

The first step in ordering the issues derived from the reconnaissance segment of Working Paper One was to sort them into a "substantive - instrumental" dichotomy. In the Framework each of these two categories represents a separate dimension (the horizontal and vertical axes of the diagram). This structure reflects the need for a land use planning system to deal with both issues of substance and operation. The analysis section of Working Paper One also sorted substantive issues along a "conserve - develop continuum." This ordering is reflected in the structure of the diagram's horizontal axis.

FIGURE 4: FRAMEWORK



The ALI and ACIR models were analyzed to illustrate the current range of approaches to state-wide planning.⁶ The ALI model is a thoroughly developed state land use model oriented toward conservation which assigns specific responsibilities and regulatory functions to various levels of government within the state. The ACIR model is a more comprehensive model attempting to develop the strategic role and functions of metropolitan regions and centering regional decision making with local officials. Both of these models are illustrated through the distribution of authority functions defined in Working Paper Two.

The major findings of Working Paper Three are visible from an inspection of Figure 4, namely:

1. The state assumes a dominant role under the ALI code which centers on the conservation issues in land use planning. Growth is to be restrained through the evaluative techniques of impact analysis.
2. Regional and national roles are emphasized in the ACIR model which has a positive orientation toward development balanced with conservation.
3. The national political debate contains advocates of both models as well as combinations thereof. (For example, the Jackson Land Use Bill which emphasizes conservation, and the Humphrey Bill which proposes a comprehensive approach involving both conservation and development).
4. The substate region's role varies with the functions it is called upon to perform. The region is seen as a unit which has the potential of becoming an agent for the state, an agent for national policy, an agent for local interests, or a forum for the interaction of all these interests. The performance of a range of functions for various levels of general government would require a "hybrid" of the ALI, ACIR and other models.

⁶ See Working Paper Three

II. INTRODUCTION

In view of recent national emphasis upon the development of state land use planning capacity, it has become necessary to look for innovative, systematic processes of land use planning. These new methods will need to deal with the several major facets of state land use planning problems, including:

- 1) The array of issues, often varying between regions, which might be dealt with in a state land use policy;
- 2) The types of regions in which a land use policy would have to be administered -- their size, type of development, existing land use attitudes, and agencies that could do land use planning; and
- 3) The levels of government that might be involved in land use planning, particularly in view of the scope of the issues.

This paper provides a technique for analyzing the shape a state land use regulatory program might take given the peculiarities of a specific land use problem, and the peculiarities of multi-level governments as agent(s) of the program. This also includes an application of the techniques as developed in a University of Illinois Planning Workshop study of three land use issues, with an explanation of the steps taken by the Workshop in reaching its conclusions in regard to state land use planning, and the role of the region.

The Workshop has produced a series of papers reporting its investigation of possibilities for state land use planning in Illinois, with emphasis on the role of the substate region. This working paper is the second in that series.

The three issues analyzed in this working paper evolved from the lists of issues dealt with in Working Paper One. Because of the multi-faceted nature of land use planning, the issues were limited to a scope applicable to in-depth study by the task force. Thus, from the array of issues which emerged in Paper One, the three chosen for study include: 1) Preserving Agricultural Land; 2) Flood Plain Management; and 3) the Provision of Low and Moderate Income Housing.

These three issues were considered significant in all three regions surveyed. The issues chosen encompass economic, social, and environmental

concerns. This gave breadth to the inquiry, even though only three issues were selected. Further, in selecting the issues, an attempt was made to choose those that would be most helpful in illustrating the implications of the issues for the workings of a land use policy program and process. All three issues chosen are substantive in nature, i.e. -- they are tangible problems, existing apart from those issues raised by governmental fragmentation in the areas. Also, the issues span the conserve-develop continuum of land use program approaches presently discussed in planning circles. These approaches are the American Law Institute model and the Advisory Commission of Intergovernmental Relations model. Descriptions of these two approaches can be found in Working Paper Three, the last in the series.

III. ISSUE ANALYSIS - A METHODOLOGY FOR STUDY

Once the issues were chosen for Paper Two (agricultural land, flood plains, and housing), the focus was narrowed to one aspect of each issue, and further to one objective, or means of dealing adequately with that selected issue aspect. This was done to increase manageability. The result, of course, is a thin study of any one issue. Also, the conclusions presented here, based upon non-expert investigation, may not be operational even for the objectives considered. Still, it is felt that the approach taken, as illustrated in the appended reports, does deserve attention in itself. If this approach were used more extensively, with an adequate data base, then accurate, useful conclusions about land use planning in Illinois -- what it should be, and what it could be -- would result.

Three steps are necessary to analyze land use issues applicable to incorporation into a land use program. These steps, briefly stated, are as follows:

- 1) Development of an informational base for each issue considering a) technical information and b) institutional information -- functional roles that different levels of government would or could take in planning for the issue;
- 2) Development of an understanding of inter-relationships for each issue based on Matrices which reflect the planning roles of each level of government as discussed in the reports. In this part, existing constraints on the roles would be recognized, for example, assignment of a planning function to a particular level of government by law;
- 3) Inter-issue analysis would be performed by comparing and contrasting the Matrices; to discern the general roles of the different governmental levels in a comprehensive land use program.

These three steps are described in detail below with reference to the Workshop materials.

ISSUE ANALYSIS REPORTS

Each of the issue reports (Appendix) is constructed in four major sections.

Section I of the reports introduces the issue, placing emphasis on one important aspect of the issue. Thus, Preserving Agricultural Land issue is described in the Appendix with emphasis placed upon increasing agricultural production.

Section II of the reports gives an analysis of the issue. Included in the analysis is a brief summary of the system factors that condition any action that might be taken in dealing with the land use issue aspect. Preserving Agricultural Land considers such factors as what natural occurrences (soil conditions, etc.) affect crop production, and what technologies can be applied to increase yield. Also in this section, several objectives in an overall approach to the issue aspect are enumerated, and then one is selected for further study. For example, Preserving Agricultural Land enumerates four objectives which would, in total, make up a program for increasing agricultural yield. It then selects one objective, that of preserving present and potential agricultural lands, for further investigation.

The selected objective is then studied in regard to the external forces and policies that affect achievement of the objective (e.g., in Preserving Agricultural Land, rapid urbanization) and the public policy at the various levels of government which affect accomplishing the objective in Illinois (e.g., in Preserving Agricultural Land, the Illinois 1971 strip mining act).

Section III of the report is devoted to discussion of existing and potential public policies. It examines the roles to date of the various government levels re the objective, why these roles have been assumed, and the levers available to each level in seeing the objective is dealt with by other levels.

Roles are described here in terms of functions of the planning process. Each level of government may assume one or another of eight basic functions that would form a land use planning/policy development and implementation process. The functions they assume define their role in the process. The eight are:

- (1) data gathering
- (2) data analysis
- (3) objective and goal setting
- (4) determination of plans and policies
- (5) determination of strategies
- (6) implementation
- (7) monitoring
- (8) evaluation

Rationale for present roles describes the "why" of what is now being done regarding an objective at the different levels of government. Reasons cited run from efficiency to first level to express concern.

Levers are the present laws and powers enabling a level of government to obtain compliance with its policies. These fall roughly into the categories of persuasion, incentive, regulation, and direct action.

For example, the State of Illinois now performs all of the above functions regarding the objective of preserving agricultural lands. The state's role is a composite of the roles its departments play in administering mining regulations, environmental regulations, etc. The rationale for this composite role is the diversity of functional areas which affect agricultural lands, and which, for efficiency reasons, are best dealt with at the state level. The levers available to the state include regulations stipulated in the strip mine control and reclamation laws.

Section III deals with the maximum and minimum roles the county and region might have in planning for achievement of the selected objective. Attention was placed on existing roles and limitations on county and regional roles as a result of the nature of the issues.

Section IV of the report details a program proposal designed to meet the objective. The proposal outlines specific procedures necessary to achieve the objective and emphasizes program effectiveness and efficiency in relation to existing political constraints. This program describes the roles and levers each governmental level would assume.

MATRICES DEVELOPMENT

Step Two of the analysis technique presents a matrix which illustrates how functional roles should be distributed among the levels of government in the establishment of a land use planning/policy process in Illinois. Two elements

were cross-referenced in the matrix: the levels of government which would be involved in such a process and the role defining planning-policy making functions. An in-depth description of these Matrices, as applied in the Workshop study, follows.

The Authority Functions

Ideally, the matrix analysis should deal with all eight of the planning functions. However, this study has placed emphasis upon the key problem of any land use policy process; the distribution of authority among levels of government.

The establishment of a state-wide framework for land use planning is motivated by three major concerns:

- 1) that issues be perceived in a manner that will lead to potent solutions;
- 2) that the system be efficient in allocation resources; and
- 3) that the system possess the authority necessary for dealing effectively with the issues.

The reports (see Appendix) address the concern that issues be perceived in such a manner as to lead to potent solutions. The results of the issue analysis reports (i.e., programs for obtaining objectives) provide a basis for the matrix development which expresses the distribution of authority necessary for dealing effectively with the issues.

An examination of four of the planning functions should be helpful in understanding how one level of government will interact with another regarding the achievement of issue objectives. The four planning functions which were selected as having inherent authority/decision-making elements in them were:

- objectives and goal setting
- determination of plans and policies
- determination of strategies
- implementation

Implementation was further subdivided into categories of persuasion, incentives, regulations, and subsidy.

Within a hierarchical system of government, decision-making roles, oriented to the solution of intricate problems, are shared among various levels of government. This sharing of responsibility has been characterized as a bilateral veto in which each level controls different aspects of complex decisions. The authority matrix examines this interaction by relating the array of governments which would share authority in a land use process to the appropriate functions of that process.

The selection of authority functions for the matrix not only made the matrix manageable but created a more useful tool of analysis. The American Law Institute and the Advisory Commission on Intergovernmental Relations have both developed schemes for a state land use planning process. A great deal of emphasis in each of their proposals is put upon the placement of authority in the system. Thus, the use of authority functions here will allow consideration of these established proposals in light of the Illinois situation.

Major Factors

The rationale for placing the authority functions at a particular level of government was based upon two classes of factors: institutional factors and issue factors.

Institutional factors include two very important key variables: (1) the level where basic concern about an issue rests; and (2) the level where vested authority lies to implement action necessary to meet an issue objective. These two factors, in combination, pose significant restraint on the nature of land use policy which is feasible in a planning and management process.

(1) Basic concern in dealing with an issue objective. The federal government, in the Preservation of Agricultural Land example, has the basic concern for insuring a sufficient supply of grain for national and international use. (Illinois cannot plan alone for such a broad market area). As a result, the goals and objectives function was assigned to the federal government for this objective,

because it was assumed that the level of basic concern coincided with the level at which primary issue goals were formulated.

(2) Vested authority refers to that level which has the constitutional power to implement action necessary to resolve the issue. Thus, because the state holds land use regulatory powers, it has the vested authority for the implementation of policies dealing with preservation of agricultural land. However, vested authority in this case can be allocated to lower levels by the state enabling legislation. This is often the case, and poses the problem of precisely what authorities should be delegated to the region.

Thus, the two above mentioned factors affect the distribution of goal and objective setting, and initial responsibility for implementation among levels. It can be seen, however, that the efficient and effective administration of policy requires that policy definition and plan development, strategy formulation, and some implementation functions might be centered in one of the five government levels: federal, state, regional, county, and local. Therefore, to take into account these concerns, the following factors were used (in addition to institutional factors) to further indicate placement of the remaining authority functions:

(1) Efficiency was one factor given consideration. If an authority function could be performed effectively at one level of government with less cost than might be incurred at other levels, then some impetus existed for assignment of the function to that level.

(2) Territorial factors refer to the nature of the issue. For example, an issue like flood plains might, because of the extent of the area involved, require that one or more of the authority functions be assigned to the state.

(3) Above conflict factor indicates that the level assigned the authority function was that level in the governmental hierarchy immediately above the level at which the greatest degree of conflict over the issue was experienced. Again

using the flood plain example, if too much conflict over zoning of flood plains occurred at the regional and local levels, the zoning function might have to be performed by the state.

The above three factors were considered significant in allocating functions for all of the issues.

Because of the regional emphasis of the Workshop study, two authority Matrices for each issue objective are included in the appended materials. The first matrix includes the five levels of government and the four authority functions, as described above. The second matrix was developed to focus on the authority functions which were allocated to the region and county levels. The objective was to determine a realistic division of these authority functions between the county and region, contingent on the existing and prospective capabilities of the three study regions and their respective county units.

IV. THE COMPARISON AND ANALYSIS OF ISSUES

There are several facets which comprise the comparison and analysis procedure. The approach taken in this paper is a comprehensive one, that is, in this section a third product is generated which combines the products of Parts One and Two.

The several steps of comparison and analysis are:

- (1) Development of assumptions and hypotheses. It should be noted that these will condition the shape a state land use program will take, and must be chosen carefully.
- (2) Development of comprehensive matrices which integrate the matrices for the individual land use issues, thus permitting an analysis of the allocation of planning functions among governmental levels.
- (3) A discussion of the role implications of the comprehensive matrices, in light of the assumptions and hypotheses.
- (4) A summary of the general roles of the levels of government and conclusions regarding the form a state land use program should take.

The following is the comparison and analysis section developed for the Workshop study for the four authority functions. It illustrates, in detail, a form to facilitate comparison and analysis of the issues in the regions of Illinois. Moreover, it suggests basic assumptions which should underlie a state land use program for it to be effective, and generates some preliminary conclusions. The allocations of functions are believed to be logical but are essentially illustrative.

Note: Two comprehensive matrices have been developed which reflect the task force emphasis on the role of the region. These are: The Comprehensive Authority Matrix and The Comprehensive Regional/County Matrix.

ASSUMPTIONS AND HYPOTHESES

One dominant assumption underlies this analysis: distribution of authority in land use planning is considered a necessity. It is assumed that to make a land use policy process work, authority in regard to the performance of several key functions must be clearly placed at one or another level of government -- federal, state, regional, county, or local. This assumption will not allow two

levels of government to exercise the same authority function. Participation by all levels in certain decisions may occur, and probably must, in that information and expertise must be pooled from all levels to adequately cope with land use issues, but responsibility for exercising authority over one function must be clearly placed.

Therefore, it might be hypothesized that:

The levels at which each authority function should be placed will vary by the issues.

It is further assumed that differences between the regional planning agencies within the state may affect the distribution of land use planning functions within a specific region. That is, the county planning agencies within a region may be quite strong and the authority function allocated to the regional planning agency may be further assigned to the county planning agency for reasons of efficiency.

This leads to the hypothesis that:

The differential of capability of the counties will affect the allocation of authority as between the regions and the county.

THE COMPREHENSIVE MATRICES

The Comprehensive Authority Matrix is a combination of the first matrices developed in Part Two. This matrix differs in format from the earlier matrices. The three issue areas are shown on the side, the authority functions are across the top, and the level of government assigned any particular function is named in the appropriate row and column.

Again, the distribution of authority functions among the levels of government was conditioned by constitutional necessities and by contributing factors for the issues being dealt with adequately.

The Comprehensive Regional/County Matrix differs slightly from the three issue Regional/County Matrices. It is set up with the three issues and their

regionally allocated authority functions listed on the side and across the top. This matrix facilitates comparison of the distribution that might exist between the region and the county for any regionally defined authority function.

These two matrices are found on pages 25 and 26.

In interpreting the matrices it is first important to note that the constitutional grounds on which distribution of authority is based complicates the clear definition of authority in a state land use planning system. These grounds might be termed "vested authority."

In the flood plain issue, for example, the vested authority is seen as split between the national and state governments. This division of authority is caused by the federal government's jurisdictional supremacy over all navigable waters on the one hand, and on the other, the state's control of specific regulatory methods for handling flood plains in areas under its jurisdiction.

Vested authority, or the power to make assignments of authority for decisions to various levels of government, is located at the state level for some implementing measures for all three issues. However, vested authority for the flood plain issue also extends to the national government. This variability in the vested authority in the flood plain issue must be addressed if vital state land use planning is to be implemented.

Role Development by Function - The Comprehensive Authority Matrix

The first hypothesis, that the level at which authority should be placed will vary by issues, is generally supported by the matrix, in that the social issue of housing assigns authority very differently than the two environmental issues of preservation of agricultural land and flood plains.

It is interesting to note that these environmental issues are almost identical in their assignment of authority function to the various levels of government. This leads to the conclusion that if the state were to enact a land use bill dealing only with environmental aspects of land use, the state could

minimize, but not eliminate, the variation of authority placement. A state land use program of this form might develop along the lines of the Jackson Bill and be primarily a conservation effort on the part of the state government. Unfortunately, it is felt that such a program would be inadequate for Illinois. However, the matrix methodology suggested here would be an available technique to analyze the variation and dynamics of the placement of authority in such a limited land use approach.

The goal and objective setting authority function was located for the three issues at the national level. This has real significance for these three issues because it emphasizes their importance and opens up possible federal grants to solve related problems. This level of concern may be peculiar to these three issues and the basic concern need not be set nationally on every other land use issue that would arise in an in-depth study of Illinois land use issues.

It is either the state or region which determines plans and policies concerning the issues. The two environmental issues have delegated this authority function to the state because of the inter-regional conflict inherent in the issues. The housing issue, however, assigns this function to the region because, in general, housing markets are regional in scope. It is at the regional level where the needs are known most clearly and plans should be made.

In the determination of strategies and projects, again a difference arises between the socio-economic issue (housing) and the environmental issues. For agricultural land preservation and the flood plain issue the region is seen as the proper level for determining strategies by which to implement the plans formulated by the state. For the housing issue, the state was viewed as determining strategies and projects because of its greater financial capability. Also, this function will provide control over policies and plans developed at the regional level, in that the plans would not be implemented unless they were in line with the nationally set goals.

Under the broad function of implementation, persuasion is the first step toward compliance with plans and strategies. For each of the three issues the region was designated as the correct territorial scope for this function. The region has traditionally been given this authority function and is seen as the level that has the most direct involvement and knowledge about the counties. This is the lowest level at which persuasion can be truly effective.

The regulation, or police power authority function, is assigned to three or perhaps even four different levels of government. It is at this point in the matrix that the environmental issues vary on authority placement. In the agricultural land issue, regulation is placed at the county level because it was felt that county-wide zoning was more politically realistic than land use controls on a region-wide basis. For flood plains, regulation was assigned to a regional level because flood plains might extend beyond county boundaries.

The political problems of home rule complicate the delegation of regulation in the housing issue. The only solution was to assign regulation to the local level. As a safeguard against discriminatory or prejudicial regulations, the state, who is the vested authority agent, has left regulation to the locality as long as the state agency handling the strategies and projects affirms the localities regulatory techniques.

The authority function of subsidy, the third step in the implementation process, is assigned to the state level for agricultural land preservation; the state is seen as the correct territorial scope to provide tax incentives necessary. Housing and flood plains are of sufficient concern to the national government that it has been delegated the subsidy authority function. In fact, in flood plains, the federal government has control over the grant money, and dispersal of that money is contingent on adherence to federal policy.

As to public ownership, the last authority function in the implementation process, the state is seen as the proper level for all three issues due to its eminent domain powers.

FIGURE 2: THE COMPARATIVE AUTHORITY MATRIX

PLANNING AND MANAGEMENT FUNCTIONS	PRESERVATION OF AGRICULTURAL LAND	FLOODPLAIN MANAGEMENT	EXPANSION OF LOW COST HOUSING
1. DATA GATHERING #			
2. ANALYSIS #			
3. GOAL & OBJECTIVE SETTING *	NATIONAL	NATIONAL	NATIONAL
4. DETERMINING PLANS & POLICIES	STATE	STATE	REGION
5. DETERMINING STRATEGIES	REGION	REGION	STATE
6. IMPLEMENTATION PROCESS **	STATE	STATE NATIONAL	STATE
a. Persuasion	REGION	REGION	REGION
b. Regulation	COUNTY	REGION	LOCAL(STATE)
c. Subsidy	STATE	NATIONAL	NATIONAL
d. Public Ownership	STATE	STATE	STATE
7. MONITORING #			
8. EVALUATION #			

These non-authority functions should be assigned to the level at which they can be performed most efficiently and effectively.

* Assigned to the level with Basic Concern and Territorial Scope and therefore most appropriate for setting goals and objectives.

** Assigned to the level with Constitutional Authority to use required powers or to assign responsibility for implementation to another level.

FIGURE 3: THE REGION/COUNTY MATRIX

	GREATER EGYPT		N.I.P.C.		CHAMPAIGN CTY	
	Reg.	County	Reg.	County	Reg.	County
<u>PRESERVATION OF AGRICULTURAL LAND</u>						
4. DETERMINING PLANS & POLICIES						
5. DETERMINING STRATEGIES	X		X		X	
6. IMPLEMENTATION						
a. Persuasion	X		X		X	
b. Regulation		X		X		X
<u>EXPANSION OF LOW COST HOUSING</u>						
4. DETERMINING PLANS & POLICIES		X		X		X
5. DETERMINING STRATEGIES						
6. IMPLEMENTATION						
a. Persuasion	X		X		X	
b. Regulation						
<u>FLOODPLAIN MANAGEMENT</u>						
4. DETERMINING PLANS & POLICIES						
5. DETERMINING STRATEGIES	X		X		X	
6. IMPLEMENTATION						
a. Persuasion	X		X		X	
b. Regulation	X			X	X	

Comparative Regional/County Matrix

The Regional County Matrix analyzes further those authority functions assigned to the regional level in the Comprehensive Authority Matrix.

It was hypothesized that assigning authority functions to counties would vary among regions because of the capability of certain of the counties to carry out the necessary functions or, more precisely, because of the capabilities of the county's governmental organization.

Generally, the authority functions assigned to the regional level or assigned to the county in any of the three study regions were the same. The variations for the three issues studied were limited to the following:

In the flood plain issue, it was found that in Northeastern Illinois all of the counties are potentially capable of managing the regulation of flood plains. In the other regions, some or all of the counties are unlikely to have the capabilities.

The housing issue illustrated an interesting point. The reason the determination of plans and policies was delegated to the county level in the case of Champaign County was because, in many areas in Central Illinois, the urban county is the housing market.

These reasons for the shift in functions to the county level leads to another hypothesis: the variation in county governmental professional staffing is a function of population size which suggests that the role of regions will vary from those with all urban counties (Northeast Illinois) through those with some urban and some small city counties (Central Illinois) to those with all small city counties (Greater Egypt).

This matrix is illustrative of an approach which should be much more revealing after a more extended analysis of varied issues over a wider range of substate regions.

V. SUMMARYHYPOTHESES

This paper's objective was to illustrate a methodology for examining prime considerations in the creation of any state land use program. It was discovered that two key variables (basic concern for an issue, and vested authority) in the distribution of authority among the levels of government were, in fact, issues themselves, along with the nature of county planning capability.

An examination of the range of vested authority and basic concern occurring at each level of government indicates two major hypotheses: (1) that authority functions assigned to various levels of government vary by issue and most significantly, that regional differences, resulting in differing sets of major issues, indicate that assignment of authority functions should vary from region to region; and (2) that the variability of county capabilities could result in different allocation of function between the counties and the regional agencies.

The importance of the first variable was supported by the different levels at which the basic issue concern rests between the environmental and housing issues. This suggests that the rigid assignment of any specific authority function to any particular level of government in a land use program may be inappropriate.

The small amount of variation within issues in authority distribution on the Comprehensive Regional/County Matrix should not be seen as contradictory to our findings. It must be remembered that only one objective for each of three land use issues was analyzed. If a complete analysis of the land use issues in Illinois was pursued, a more significant number of variations could be expected.

ROLES

A general analysis of the first matrix can be beneficial in determining the roles that specific levels of government would take on in a state land use program.

The national government, in general, may have only the authority function of goal and objective setting and the implementing measure of grant subsidy. These are the logical functions of the national government in relation to national land use issues and they can constitute a powerful role.

The state government is the level where vested authority rests for the assignment of most of the authority functions to other levels of government. The state logically would assume only those authority functions it feels would or could not be handled sufficiently by any other level, thus insuring that the goals and objectives are carried out. Note that the state assumes the function of plans and policy determination for the environmental issues but not for the housing issue. However, it does assume strategy and project determination for the housing issue. Also, the state is seen as the level of government that should assume public ownership, if that is necessary for the implementation of plans.

The regional government is assigned all of its functions by that governmental level which has the vested or assigned authority. For example, the region is allocated the authority to make decisions about strategies and projects necessary to carry out the state's plans on the environmental issues. On the housing issue the region is allocated the authority to determine its own plans and policies because the region is, generally, recognized as the housing market. The region is also assigned the role of persuader in the implementation of all plans and strategies developed. Regulation is only a regional role in the flood plain issue.

Regulation is the most widely varying authority function. For each of the three issues, regulation was assigned to different levels of government, for differing reasons. Therefore, the determination of which level should be assigned the regulatory function will be a major decision in the formulation of any state land use program.

VI. CONCLUSIONS: Potential for Further Study

This report has centered upon the role of the region as it might evolve in a land use planning process dealing with specific issues. From this investigation two conclusions can be drawn relating to the role of the region in such a system. These conclusions are stated here as hypotheses for further study. They are:

- (1) The region will have a range of functions determined by the three levels of general government -- national, state, and local. It should have powers as well as responsibility to bring about cooperation in a state land use process; and
- (2) Neither of the much talked about ALI and ACIR land use process models will be adequate for the Illinois situation. A hybrid of the two models must be developed.

The first conclusion has evolved from the role the region played in determining strategies for the two environmental issues and plans and policies for the housing issue. Both of these important functions will require that substantial authority rest with a regional agency. This is very different from the traditional role of the region. Historically, the region has only been given the role of persuader; now it is viewed as a unit to formulate strategies and plans. For the land use planning process to be effective, the region should have some powers to insure that these strategies and plans are realized.

The three issue analysis reports (see Appendix) also support the conclusion that the ALI and ACIR land use process models may require modification to meet the specific needs of various states. The three authority matrices identify different levels as having different concerns in a land use process, and different levers available to them. Similarly, the ALI and ACIR models may have different utility depending upon which governmental level has defined the issues which should be addressed by a state land use plan. From the perspective of the substate region, the role it should play becomes extremely blurred, in that it is being cast in two different ways, for two different purposes. The ALI model places emphasis upon state and local governments, with the region remaining in

its traditional limited advisory role; the ACIR model places emphasis upon the federal government with the regions as the central agent for defining a comprehensive planning and development process including a land use plan. (See Working Paper Three).

Given this "dual role" situation for the region, the one firm guide to development of its role is the functions it must fill if land use issues are to be dealt with adequately. This study has shown a technique for investigating this and, in its preliminary results, suggests that the region's role in Illinois must be a hybrid of the ALI and ACIR approaches.

The key to design of this substate region would not be its boundaries, but the development of its organizational structure. A more complex regional structure than that visualized in either model will be necessary. For example, a board-operated regional structure might evolve, composed mostly of local governments but with state members also. An example of a similar arrangement is the Minneapolis/St. Paul Metropolitan Council, which is a state-established agency with members of the Council elected by the voters of the region.

The question of the expanded authority that this new regional unit should possess remains. How can a regional unit, traditionally an advisory one, assume powers of strategy formulation and the accompanying responsibility? Such a unit would have to have a legal base of power. It would be undesirable to create another level of government which could not, or would not, fulfill its responsibility.

One solution to the problem might be a regional agency structured as described above, but which is the creation of a state regional agency with local members on the board. Such an agency would operate in much the same way as the state EPA or other governmental regulatory commissions. It could have power to develop land use strategies which would meet the variations within the region, and which would have the effect of law for that region. These strategies

would, of course, have to be in keeping with established plans and policies.

The above suggestions are but brief sketches of what might evolve from further investigation of the conclusions of this paper. Hopefully, an analytical approach similar to that utilized in this report, but expanded in scope, would be of aid in such an inquiry.

Appendices for Working Paper Number Two

Appendix A -- Preserving Agricultural Land

- I. Introduction
- II. Analysis of Issues
- III. Analysis of Existing/Potential Public Policies
- IV. Proposal for Agricultural Land Preservation

Appendix B -- Flood Plain Management --
Part of the Open Space System

- I. Introduction
- II. Analysis of Issues
- III. Analysis of Existing/Potential Public Policies
- IV. Proposal for a Floodway Management Program

Appendix C -- The Provision of Low and Moderate Income
Housing

- I. Introduction
- II. Analysis of Issues
- III. Analysis of Existing/Potential Public Policies
- IV. Proposal for the Provision of Low and Moderate
Income Housing -- The Urban Development
Corporation

APPENDIX A

PRESERVING AGRICULTURAL LANDI. Introduction

Illinois croplands are essential resources for domestic and foreign food needs. Neither Illinois, nor the nation, which relies so heavily on this state's output of corn and soybeans, can afford to allow the continued rapid conversion of prime agricultural lands to other uses. Consequently, cropland must be protected against non-agricultural uses when less productive land would be equally well-suited for these uses. It will take the coordinated efforts of all levels of government to move effectively on this problem.

II. Analysis of Issue

A. Framework - the "system"

1. The high productivity of Illinois agricultural land is directly dependent on several factors:
 - a. Soil quality varies with fertility, water holding capacity, sub-soil fertility, and drainage.
 - b. There is significant variation in the seasonal temperature and rainfall within the state.
 - c. Periodic seasonal flooding in some areas effects crop yields.
 - d. Productivity can be increased through high farm management techniques (mechanization, crop rotation, fertilizers, pesticides, herbicides, etc.).
 - e. Large scale farming techniques are more efficient and increase productivity.
2. The following objectives are part of an overall scheme to increase agricultural production and improve the nation's international economic position:
 - a. All present and potential agricultural land should be preserved.
 - b. Production (yield per acre) should be increased.
 - c. The management level on farms should be raised to provide greater production.
 - d. Research and development of new hybrid crops should be stimulated.

3. Selection of one objective - Objective "a" under point 2 above (all present and potential agricultural land should be preserved) was the selected objective. There are two primary reasons for the selection of this objective:
 - a. This is the only objective directly related to land use allocation.
 - b. This objective, much more than the others, can be influenced by governmental action.
- B. Preservation of all present and potential agricultural lands is affected by several external forces and policies:
 1. Rapid urbanization in the form of low density suburban development is converting prime agricultural land to urban uses.
 2. Reservoir construction inundates agricultural lands and thus removes them from productivity.
 3. The increased demand for energy will probably result in increased strip-mining activity in Illinois, which may conflict with prime agricultural land.
 4. Continued construction may result in the conversion of agricultural lands into sand and gravel pit scar areas and limestone quarries.
 5. Pressure from growing urban areas is causing the conversion of farmland into recreational use.
- ** Note - The remainder of this outline focuses on the external force noted in point B.3 above. The complexity of the external forces listed above require this narrowing of scope.
- C. Public policy at various levels of government directly affecting Illinois:
 1. Federal level
 - a. Land reclamation policies
 - b. International energy crisis policies
 - c. Policies concerning international trade of foodstuffs
 - d. Federal Environmental Protection Agency
 - e. Policies and standards on usage of high sulfur coal
 2. State level
 - a. Illinois 1971 Strip-mining Act
 - b. State policies on issuance of coal mining permits
 - c. Funding of research for improvement of reclamation techniques

3. Regional level
 - a. Regional policies concerning approval of mining permits
 - b. County-wide zoning policies

III. Analysis of existing and potential public policies

A. Roles, rational, and levers

1. Present roles of various governmental levels are shown in the following table and the matrices in the text of working paper 3.
2. Rational - Why are these roles assigned to these levels?
 - a. The wide spread (multi-state) nature of the problem (agricultural land conversion) requires federal intervention.
 - b. The economic and political power of coal mining companies necessitates federal and/or state regulation
 - c. Preservation of agricultural land is directly related to international balance-of-trade payments which is of federal and state concern.
 - d. Functions, such as data gathering and analysis, which must include large geographic areas for efficiency in large scale policy determination are best housed in state or federal agencies.
3. What are the levers?
 - a. Strip-mine control and reclamation laws.
 - b. Orphaned land reclamation laws.
 - c. Preferential tax assessment.
 - d. Zoning restrictions
 - e. Soil Conservation Service technical aid for reclamation
4. Effectiveness of levers*
 - a. Reclamation control requirements do not cause land to be returned to its original state (there exists controversy as to what amount of reclamation is necessary to return land to agricultural productivity).
 - b. Preferential tax on agricultural lands is used in only a few counties in Illinois and is of questionable effectiveness in these cases.

*Note: Present policies and regulations which may have the effect of preserving agricultural land were, in most cases, not initiated to serve this function, but rather to regulate strip-mining activities regardless of land use.

FUNCTIONS

1. Data gathering
2. Analysis
3. Setting goals and objectives
4. Defining policy and plans
5. Determining Strategies
6. Implementation
7. Monitoring
8. Evaluation

GOVERNMENT LEVELS AND THEIR ASSIGNED FUNCTIONSFederal

Soil Conservation Service	1,2,6
Dept. of Interior (Bureau of Mines and Minerals)	2,4,7,8
Congress	3,4,5,8
Environmental Protect. Ag	1,2,6, 78
U.S. Geological Survey	1,2,7,8
Executive Branch (Council on Environ. Quality)	2,4,8

State

State Geological Survey	1,2, 7,8
Dept. of Mines& Minerals	12567
Office of Planning Anal.	2348
Illinois EPA	12678
State Dept of Agric (Crop Reporting Service)	127

Region

Regional Planning Comms.	17
Economic Develop. Comms.	17
River Basin Comms.	17

County and Local

Zoning boards	56
Tax assessing offices	6
Boards, offices, agencies involved in intergovernmental agreements	6

Note: The numbers following the agencies under the governmental levels correspond to the numbered functions in the upper left portion of this page.

- c. Zoning is ineffective in most counties because of the number of "loop-holes" such as variances, and special exceptions which are continually being affirmed at the county level.

5. At which levels are the levers exercised?

- a. County - zoning and other land use restrictions
 - SCS technical aid for reclamation
- b. State - strip-mine and reclamation laws
 - orphaned land laws
 - preferential tax treatment

B. Roles of the region and county

1. Minimum

- a. County
 - continued use of zoning and other land use controls to define agricultural lands
 - preferential tax assessment
- b. Region
 - delineate areas of prime agricultural land which are consistent with state guidelines
 - coordinate federal, state, and local agencies which set policies or implement strategies concerned with agricultural land preservation
 - review strip-mined reclamation plans

2. Maximum

- a. County
 - implement an agricultural district approach which is consistent with state policy
 - set reclamation restrictions which require strip-mined lands to be covered with topsoil to a depth suitable for agricultural use
 - set a high property tax on unreclaimed lands which would stimulate owners to reclaim land and thereby be entitled to preferential tax assessment
- b. Region
 - persuade counties to adopt an agricultural district approach
 - monitor the counties' compliance with state policies
 - monitor the conversion of land use on a region-wide basis
 - assist the State Geological Survey and the Department of Agriculture to gather data

MATRIX I
PRESERVATION OF AGRICULTURAL LAND

	NATIONAL	STATE	REGIONAL	COUNTY	LOCAL
1. DATA GATHERING					
2. ANALYSIS					
3. GOAL & OBJECTIVE SETTING	A*				
4. DETERMINING PLANS & POLICIES		A,B			
5. DETERMINING STRATEGIES			A,B		
6. IMPLEMENTATION PROCESS		**			
a. Persuasion			B,C		
b. Regulation				A,B	
c. Subsidy		B,C			
d. Public Ownership		A,B			
7. MONITORING					
8. EVALUATION					

LEGEND

A = Efficiency

B = Territorial Scope

C = Level Above

* Assigned to level with Basic Concern and Territorial Scope and therefore most appropriate for setting goals and objectives.

** Assigned to level with Constitutional Authority to use required powers or to assign responsibility for implementation to another level.

IV. PROPOSAL FOR AGRICULTURE LAND PRESERVATION

A. Scope and Rationale

Prime agricultural land is a basic resource which man can shape and use for many purposes. However, once the topsoil is removed through strip-mining or asphalt is poured, agricultural land may be permanently removed from food production. Certainly not all agricultural land remaining in Illinois can, or should, be preserved for agricultural use, but the finality of converting an acre from agricultural to other uses deserves serious consideration.

B. Procedures and Approach

1. Federal

- a. Establish a federal policy which discourages the implementation of congressionally funded projects which convert significant acres of agricultural land into non-agricultural uses.
- b. Establish a price support system for crops which encourages and stimulates the agricultural use of land.
- c. Establish a corporate and individual tax structure which gives tax benefits to agriculturally related firms and to individual farmers.

2. State

- a. Authorize an independent state-wide, staffed commission appointed by the Governor to review agricultural land conversions. This commission should represent a variety of interests.
- b. Develop a state agricultural land use plan. This plan might use as its basis a map compiled which indicates the agricultural land capability of Illinois.
- c. Develop a state-wide urbanization policy. New developments would then be encouraged to be located on marginally productive agricultural lands.
- d. Formulate a property tax which favored agricultural lands.
- e. Develop guidelines by which the state could analyze and evaluate data gathering at the regional level.
- f. Using the regional level, the state would disseminate recommendations for agricultural land preservation.

3. Region

- a. Formulate a procedure for regularly surveying and monitoring areas where agricultural land uses were frequently in conflict
- b. Initiate and carry out a program that attempts to persuade developers, mining companies, and municipalities to voluntarily use agricultural lands wisely.
- c. Develop strategies to implement the state policy at the county level.

4. County

Develop a strong program of agricultural land preservation of county-wide scope through zoning and other land use controls in accordance with regional strategies based on state policy.

APPENDIX B

FLOODPLAIN MANAGEMENT - PART OF THE OPEN SPACE SYSTEMI. Introduction

Open space is becoming an increasingly important aspect of environmental quality. As population expands, the landscape is relentlessly consumed by the sprawl of urban development and other conflicting land uses. Urban areas are growing with little regard for retention of open space within or near their boundaries, where open space is most vitally needed.

II. Analysis of Issue

A. Framework - the "system"

1. Consideration of the provision of Open Space must include:
 - a. Developments of regional impact for which major open space areas should be included.
 - b. Elements of historic preservation may also be compatible with open space objectives.
 - c. Wildlife conservation is directly related to undeveloped natural areas.
 - d. Recreation needs can be, in part, satisfied by expansion of open space acreage.
 - e. Control of development on floodplain lands results in open space.
2. The following objectives are vital elements of open space development. We consider an open space scheme to include not only existing open space areas, but also plans for the addition of future open space reserves.
 - a. Open Space/Recreation
Public access to a wide range of recreation activities throughout the state with primary emphasis on location proximate to urban areas should be provided.
 - b. Historic/Wildlife
Significant scenic, historic, and wilderness conservation areas should be developed and preserved.
 - c. Developments of Regional Impact
Monitoring of developments of regional impact should be undertaken to determine potential damaging impact to the environment, especially regarding reduction

of open space.

d. Floodplains

Patterns of growth and development should be controlled and limited in floodplains, especially in those areas susceptible to relatively frequent flooding.^{*}

3. Selection of one objective - This analysis will focus on floodplain development control and management. There are three primary reasons for selection of this objective:

- a. Illinois has an extensive inland waterway system. The State is bordered by the Mississippi, Ohio, and Wabash Rivers, and the Illinois River drains a major portion of the State. From prehistoric times to the present, settlement has occurred in river valleys. Yet the development that is taking place in floodplains today often results in severe environmental damage, as well as loss of life and property. This is due primarily to inefficient or non-existent development controls.
- b. The extent of the floodplain issue involves both conserve and develop aspects and thus is a significant element in any land use planning and management scheme.
- c. Various levels of government and private interests should be encouraged to take an active role in determining growth or non-growth policies for floodplain areas.

B. The use of floodplains as open space is effected by a number of external forces and policies:

- 1. Developmental Pressures: residential, industrial, agricultural, recreational.
 - a. Champaign Region: In general, flooding is not a problem; however, attention should be given to flood channelization, particularly along the Sangamon River.
 - b. Greater Egypt Region: Agricultural development is occurring on the floodplain, but there appears to be no residential development pressure in floodplain areas.
 - c. NIPC Region: Extreme residential pressure exists due to a lack of space, and overdevelopment in floodplains has created a flood hazard.

^{*} For purposes of this analysis, floodplains are defined as any area which has a two per cent chance of annual flooding.

2. Feasibility of Flood Control Measures (reservoirs, levees) - Such measures are not the only answers to the problems of flood management.
 3. There is a lack of imaginative approaches to use of floodplains which are consistent with proper floodplain management.
 4. Inadequate dissemination of information on floodplain location and soil characteristics.
 5. Authority for floodplain management exists at various levels of government but is avoided because of its political ramifications.
- C. Public policy of all governmental levels directly affecting Illinois:
1. Federal level
 - a. FHA mortgage policies
 - b. Flood insurance
 - c. EPA water quality
 2. State level
 - a. Construction of flood control devices
 - b. Planning for floodplain control and drainage
 - c. Ability to purchase land as a conservation area
 - d. Coordinated flood insurance program in Illinois
 3. Regional level
 - a. Regional comprehensive plans which include Natural Resource elements
 - b. A-95 review procedures
 4. Local
 - a. Policy is extremely varied and inconsistent
 - b. Regulation (zoning)
 - c. Tax policy

III. Analysis of Existing and Potential Public Policies

A. Roles, Rational, and Levers

1. Present roles of the governmental levels are shown in the following Table and matrices located in the text of Working Paper 3.
2. Rationale - Why these roles at these levels?
 - a. Local governmental units have a great deal of authority due to Home Rule provisions.

FUNCTIONS

1. Data gathering
2. Analysis
3. Setting goals and objectives
4. Defining policy and plans
5. Determining Strategies
6. Implementation
7. Monitoring
8. Evaluation

GOVERNMENT LEVELS AND THEIR ASSIGNED FUNCTIONSFederal

Flood Insurance	1,2
Disaster Relief	1,2
U.S. Geological Survey	1,2
U.S. Weather Bureau	1,2
Soil Cons. Service	1,2,7
Army Corps of Engineers	1,2
Congress	3,4
Environmental Protection Agency	4,7,8
Executive Branch	3,4,8
Dept. of Conservation	7

State

Dept. of Transportation	1-8
Div. of Business and Econ. Dev.	1,2
Ill. Environmental Protection Agency	2,4,5,8
Ill. Geological Survey	1
Ill. Pollution Control Bd.	4
Dept. of Local Gov't Affairs	4,5
Executive Branch	3,4,5
Legislative Branch	3,4,5,8

Regional

Special Districts	1,2,4,5,6
Regional Plg. Comm's	1-8

County and Local

1,2,3,4,5,

- b. The lack of funding for comprehensive floodplain programs necessitate that the issue be resolved at the localized level.
- c. A lack of concern (public interest) as to the extensive nature of the problem also results in action at the local level, where flooding has occurred.
- d. Fragmented and overlapping jurisdictions, combined with no state-wide policy prohibits a regional planning effort.

3. What are the Levers?

- a. Construction of flood control devices
- b. Preferential tax policy
- c. Acquisition
- d. Regulation (zoning)
- e. Persuasion and mandatory review

4. Effectiveness of levers

None of these levers has been effective toward reaching our stated goal, in fact, construction of flood control devices has often proved harmful.

5. At which levels are the levers exercised?

a. Municipalities

alter water courses
construction of flood control devices

b. County

alter water courses

c. Regional

Soil Conservation District - The district may provide for flood damage control, but such steps must be approved by the Division of Water Resources within DOT.

River Conservancy District - Acquisition

Surface Water Protection District - One of its primary functions is the construction of flood control devices.

d. State and Federal

Division of Waterways - This department may construct and maintain flood control devices, and is authorized to formulate a master plan for flood control.

Army Corps of Engineers - Formally this group was strictly instructed to develop flood control systems through dam and levy construction. However, recently they have been given responsibility to delineate certain floodplain areas and capacity to acquire

such land.

B. Roles of the region and special districts

1. Minimum - An elaboration of the existing structure as set forth in the matrices.

a. Special District

- 1) Realize authority to regulate floodplain development
- 2) More creative approach as part of a state-wide program with authority emanating from state level, in accord with local objectives
- 3) Consolidate Soil Conservation, River Conservancy, and Water Protection Districts, to eliminate overlapping jurisdiction, competing interests, and overall inefficiencies

b. Region

- 1) Continue and expand data gathering functions and disseminate data in intelligible form to local governing bodies
- 2) Coordination of federal and state data gathering services and technical expertise

2. Maximum

a. Special Districts

- 1) Eliminate those districts solely concerned with flood management and control, and retract water resource functions from other districts.

b. Regions

- 1) Allocate all water resource functions to existing regional agencies, with concomitant increase in authority to coordinate state and federal data gathering, technical expertise, and flood control programs in accord with the region's particular floodplain problems.
- 2) Conduct hydrological studies within the region
- 3) Be responsible for planning and administering a Water Resources Plan
- 4) Require review of local Water Resource Plans

MATRIX I
FLOODPLAIN MANAGEMENT

	NATIONAL	STATE	REGIONAL	COUNTY	LOCAL
1. DATA GATHERING					
2. ANALYSIS					
3. GOAL & OBJECTIVE SETTING	B *				
4. DETERMINING PLANS & POLICIES		A,C			
5. DETERMINING STRATEGIES			B,C		
6. IMPLEMENTATION PROCESS	**	**			
a. Persuasion			A,B		
b. Regulation			A,B		
c. Subsidy					
d. Public Ownership		A			
7. MONITORING					
8. EVALUATION					

LEGEND

A = Efficiency

B = Territorial Scope

C = Level Above

* Assigned to level with Basic Concern and Territorial Scope and therefore most appropriate for setting goals and objectives.

** Assigned to level with Constitutional Authority to use required powers or to assign responsibility for implementation to another level.

- 5) Levy a tax throughout the region to fund such activities mentioned above

IV. Proposal for a Floodway Management Program

A. Scope and Rationale

Floodplains are classified according to their susceptibility to flood, ranging from 5 year floodplains to 100 year floodplains, or more. These classifications represent different levels of hazard. As a result, the degree of urgency varies in approach to floodplain problems according to level of hazard. The primary emphasis in this analysis is on 20 year floodplains, that is, those areas subject to flooding within a 20 year period; but recognizing that 50 year floodplains require consideration and regulation, although to a lesser degree. Furthermore, the proposal must consider both land use regulation and flood control works as part of an overall management program.

B. Procedures and Approach

Whether 20 year or 50 year floodplain, the area must be appraised according to the following criteria.

1. Appropriate/Compatible uses. - These include recreation, agriculture, marinas, wildlife preserves, etc.
2. Forces having an adverse effect on Floodplains
 - a. Urban development
 - b. Flood control devices
 - c. FHA mortgage policies
 - d. Federal flood insurance policies
3. Implementation measures
 - a. Regulation
 - b. Ownership
 - c. Incentives
 - d. Persuasion

C. Allocation of function by level

1. Federal

- a. Allocation of federal funds should be made contingent on adherence to flood management and control programs. Utilization of the Army Corps of Engineers and other federal services should be based on the existence of such programs. These services should be based on regional objectives rather than federal objectives.
- b. The need for interstate cooperation is evident, due

to the dissimilarity between political boundaries and water basin regions. This requires federal initiative to institute such a process.

2. State

- a. One agency or department should be responsible for overall water resources administration.
- b. This agency should be responsible for preparing a State Water Resources Plan and policies designated to meet the needs of each region. It should collect water resource data and establish priorities for local flood information studies conducted by federal agencies; and be responsible for reviewing plans for flood control projects.
- c. A state floodplain program should be an integral part of the comprehensive land use program.

3. Regional

- a. An existing regional agency should be allocated all water resource functions. Part of its responsibility would be planning and administering a water resources plan based on data from hydrological studies undertaken and other data obtained by regional gathering. This agency would tie into the State Water Resources Plan via compatible policies and implementation procedures.
- b. A regional tax should be levied to fund the activities mentioned above.
- c. This agency should assist local governments in drafting land use and other regulations; and also review plans for local public works in areas subject to flooding.

4. County

- a. Zoning regulations for appropriate uses in floodplain areas
- b. Subdivision plat review with respect to sound utilization of land and water resources

5. Local - same as County functions

APPENDIX C

THE PROVISION OF LOW AND MODERATE INCOME HOUSINGI. Introduction

The Federal Housing Act of 1949 represented a national commitment to assist people in obtaining adequate housing. Many programs were established to help eliminate problems which hindered low and moderate income families from obtaining adequate housing; unfortunately many roadblocks still exist today, particularly in the form of economic and social discrimination. Several of these obstacles have direct land use implications.

II. Analysis of Issue

A. Framework - the "system"

1. The supply of various types of housing in Illinois is primarily dependent on several factors:
 - a. Limited choice in the urban housing market.
 - b. Degree of technological innovation in the home building industry.
 - c. State and local building codes, land development regulations, and tax policies.
 - d. Year-to-year changes in federal and state housing policies and funding programs.
 - e. Employment conditions and the nature of the economy in general.
2. The following objectives might be part of a general plan to provide low and moderate income housing:
 - a. Preservation of existing low and moderate priced dwelling units.
 - b. Expansion of programs to provide supplemental income to obtain low and moderate cost housing.
 - c. Lowering the finance rates of low and moderate cost housing.
 - d. Expanding the supply of low and moderate cost housing.

3. Selection of one objective - Objective "d" under point 2 above (expanding the supply of low and moderate cost housing) was the selected objective. There are two primary reasons for the selection of this objective:
- a. Expanding the supply of low and moderate income housing denotes construction of additional housing, especially in scattered sites, which is a direct land use question.
 - b. This objective appears to be the most significant aspect of resolving the general issue.
- B. Increasing the supply of low and moderate income housing is affected by several external forces and policies:
1. Conflicting national, state, and local goals and objectives.
 2. Zoning restrictions and other land development regulations are often exclusionary in nature or result in higher construction costs than is necessary.
 3. Restrictive regulations based on standard construction methods.
 4. Developers perceive a low profit margin in the low and moderate housing market.
 5. Increasing land values and site development costs.
 6. Groups, such as the National Association of Housing and Redevelopment Officials, have vested interests in the continuance of the large public housing projects they have constructed and managed.
 7. Staunch opposition to open housing from a number of organizations.
- C. Public policy at various levels of government directly affecting Illinois:
1. Federal level
 - a. Federal housing legislation regarding "open housing"
 - b. Research on uniform building codes and home manufacturing technology
 - c. Financial assistance programs
 - d. Mortgage guarantee program and related ancillary housing programs

2. State level
 - a. Financial assistance programs
 - b. Enabling legislation concerning land development regulations
 - c. Policies on discrimination in housing
3. Regional and local level
 - a. Policies on the establishment of housing authorities
 - b. Siting low and moderate income housing in suburban areas
 - c. Policies on the extension of public services
 - d. Enforcement of building code and land development policies

III. Analysis of existing and potential public policies

A. Roles, rational. and levers

1. Present roles of various governmental levels are expressed in the following matrix.
2. Rationale - Why are these roles assigned to these levels?
 - a. The provision of adequate low and moderate income housing is a national concern.
 - b. The type, volume and location of new housing is directly related to a national urban growth policy, state land use policies, and other national and state goals and objectives.
 - c. The performance of the housing market is not satisfactory; federal financial assistance is required to stimulate substantial private investments in new housing systems and components.
 - d. State enabling legislation will determine, to a large extent, local building codes and land development regulations, which in turn dictate the type and quantity of housing available.

3. What are the levers and their effectiveness?

- a. Title I and Title III of the Federal Housing Act of 1949 - these sections of this act have not provided housing for low-income families. Many times the displaced poor simply moved into slum housing in another part of the city.

- b. Omnibus Housing Act of 1954 - this act sought to rectify some of the difficulties of the 1949 legislation but resulted in an attempt to renew the central city tax base and to recall middle and high-income whites from the suburbs to the city.
- c. Model Cities Act of 1966 - cities were given the chance to develop their own programs for housing but were not given much money with which to do this.
- d. Executive orders and federal-state laws on non-discrimination in housing - there is wide and flagrant violation by builders, brokers, and lenders.
- e. FHA and VA loans - the housing needs of low-income families have not been well served by FHA or VA. Interest costs are generally still too high relative to the incomes of the poor.
- f. Local land development controls (zoning, building codes, sub-division regulations, taxing policies, and public service provision) - these controls have very effectively limited the availability of low and moderate cost housing in most suburban areas.

B. Roles of the region and local level

1. Minimum

a. Local

- 1) Allow local building codes and land development regulations to determine the supply of low and moderate income housing in a locality.
- 2) Provide mechanisms by which low and moderate income groups may participate in local housing policy formulation.
- 3) Strong enforcement of present federal and state open housing laws.
- 4) Require new subdivisions to contain an adequate proportion of low and moderate income housing.

b. Region

- 1) Gather data pertinent to an analysis of the regional housing market
- 2) Project housing demand by use of socio-economic projections and other data.
- 3) Establish a region-wide housing authority

2. Maximum

a. Local

- 1) Establish building codes based on performance standards
- 2) Institute county-wide or localized land development regulations which allow modular and manufactured housing.

b. Region

- 1) Establish comprehensive, region-wide plans and policies to effectively meet the demand for low and moderate income housing.
- 2) Determine specific strategies for implementing the above.
- 3) Integrate regional policies and strategies with a state-wide urban development corporation which has the power of eminent domain and ability to override local land development regulations.

MATRIX I
EXPANSION OF LOW COST HOUSING

	NATIONAL	STATE	REGIONAL	COUNTY	LOCAL
1. DATA GATHERING					
2. ANALYSIS					
3. GOAL & OBJECTIVE SETTING	*				
4. DETERMINING PLANS & POLICIES			B		
5. DETERMINING STRATEGIES		A			
6. IMPLEMENTATION PROCESS		**			
a. Persuasion			B		
b. Regulation					B [#]
c. Subsidy	B				
d. Public Ownership		A			
7. MONITORING					
8. EVALUATION					

LEGEND

A = Efficiency

B = Territorial Scope

C = Level Above

The state would retain final approval of any projects contingent upon approval of the localities' regulatory techniques.

* Assigned to level with Basic Concern and Territorial Scope and therefore most appropriate for setting goals and objectives.

** Assigned to level with Constitutional Authority to use required powers or to assign responsibility for implementation to another level.

IV. Proposal for the Provision of Low and Moderate Cost Housing --

The Urban Development Corporation

A. Scope and Rationale of UDC Program

An Urban Development Corporation (UDC) is a state agency and a public benefit corporation. Its main objective would be to finance housing for low, moderate, and middle income families, to assist industrial and commercial development.

A UDC, because of its non-partisan character, could use a variety of federal and state assistance programs to design housing programs to help meet the full range of housing needs for people whose income is not sufficient to buy or rent adequate housing built by unaided operations. At the same time, the UDC maintains close ties with local officials and citizens' groups in the communities in which it works.

UDC's main function would be to encourage private enterprise to work in meeting the state's housing and urban development needs. Because the UDC is a state agency, the state can and should grant UDC the power to over-ride local zoning and building code requirements "to push" for more effective housing programs.

UDC's principal funds are derived from the sale of tax-exempt bonds to private investors. Most of these funds are used to finance mortgages on UDC initiated projects sold to private developers. The income UDC receives from developments is used to pay both debt service on UDC bonds and basic overhead costs of UDC's operations.

This financing capacity can be used by UDC to acquire, develop, and sell developed land as sites. Therefore, by eliminating speculative land value increases and profits, land can be made available in appropriate locations at costs suitable for low cost housing.

B. Roles of governmental levels relating to UDC program

1) Federal

- a) Since Congress adopted the principle of a decent and safe home for every American, the federal government should encourage states to establish UDC's program which will aid in low cost housing development.
- b) The federal government can appropriate federal funds to help establish a UDC program in each state.

2) State

- a) The state with support from the federal government should authorize a UDC program by setting objectives and goals and specific policies for UDC to operate, within the state.
- b) The state should finance UDC programs through state grant moneys for housing developments.

- c) The state should give the UDC authority to acquire land, and to over-ride city zoning laws and city ordinances which may impede the progress of creating decent and safe housing in the state.
- 3) Regional
- a) The region should have the authority to locate or define areas that need additional low and moderate cost housing.
 - b) Regions should have the authority to formulate policy for housing types and location of low cost housing to be provided through the UDC.
 - c) The region should take part in urging and persuading each sector to receive a "fair share" of low cost housing in cooperation with the UDC.
- 4) County, Local, and Other Governments
- a) Local governments are asked to cooperate with federal, state, and other local agencies in helping UDC to work in their communities.
 - b) Local governments should modify regulations and provide services that would support the operation of UDC in their communities.
 - c) Local governments should encourage cooperative public action and private investment to expand the supply of low and moderate cost housing.

BIBLIOGRAPHYWorking Paper IIPreserving Agricultural Land:

Anger, Glen, "Rainbow City - The Need for Federal Control in the Sale of Undeveloped Land", Notre Dame Lawyer, v.46, Summer 1971, pp. 733-759.

Berger, Lawrence, "A Policy Analysis of Promises Respecting the Use of Land", Minnesota Law Review, v.55, December 1970, pp. 167-234.

Blumenfeld, Yorick, "Protection of the Countryside", Editorial Research Reports, v.2, no. 3, 1971.

Curtis, Virginia, Land Use Policies, American Society of Planning Officials, Chicago: 1971.

Galantowicz, Richard, "Space Preservation, Taxes, Planning, and Talking", American Forests, v.76, October 1970, pp. 36-38.

Hunter, Jerald, "Preserving Rural Land Resources: The California West-side", Ecology Law Quarterly, v.1, Spring 1971, pp. 330-373.

McCloskey, Paul, "Preservation of America's Open Spaces: A Proposal for a Natiol Land Use Commission", Michigan Law Review, v.68, May 1970, pp. 1167-1174.

Massachusetts Institute of Technology, Papers on National Land Use Policy Issues, U. S. Government Printing Office, Washington: 1971.

"Peeling Back the Land for Coal", Newsweek, v.77, June 28, 1971, pp. 69-72.

Seastone, Don, "Implications of the Regional Dependency Effect for Federal Land Use and Program Planning", Land Economics, v.47, May 1971, pp. 158-167.

Slavin, Richard, "Toward a State Land Use Policy: Harmonizing Development and Conservation", State Government, v.44, Winter 1971, pp. 2-11.

Timmons, John, and Cormack, J. M., "Managing Natural Resources Through Land Tenure Structures", Journal of Soil and Water Conservation, v.26, January-February 1971, pp. 4-10.

Udall, Morris, "Toward a National Land Use Policy for Urban America", Arizona Law Review, v.12, Winter 1970, pp. 733-748.

Waite, Graham, "Problems of National Land Use Planning", Catholic University Law Review, v.20, Summer 1971, pp. 702-715.

Flood Plain Management:

Georgia Institute of Technology, The State Role in Flood Plain Control.

Lewis, Philip, Recreation and Open Space in Illinois, Department of Landscape Architecture, University of Illinois, Urbana: September 1961.

McHarg, Ian, Design with Nature, Doubleday/Natural History Press, 1969.

The Provision of Low and Moderate Income Housing:

Abrams, Charles, Housing in the Modern World, Faber & Faber, London: 1964.

Brown, Robert, The Development of the Public Housing Program in the U.S., Georgia State College of Business Administration.

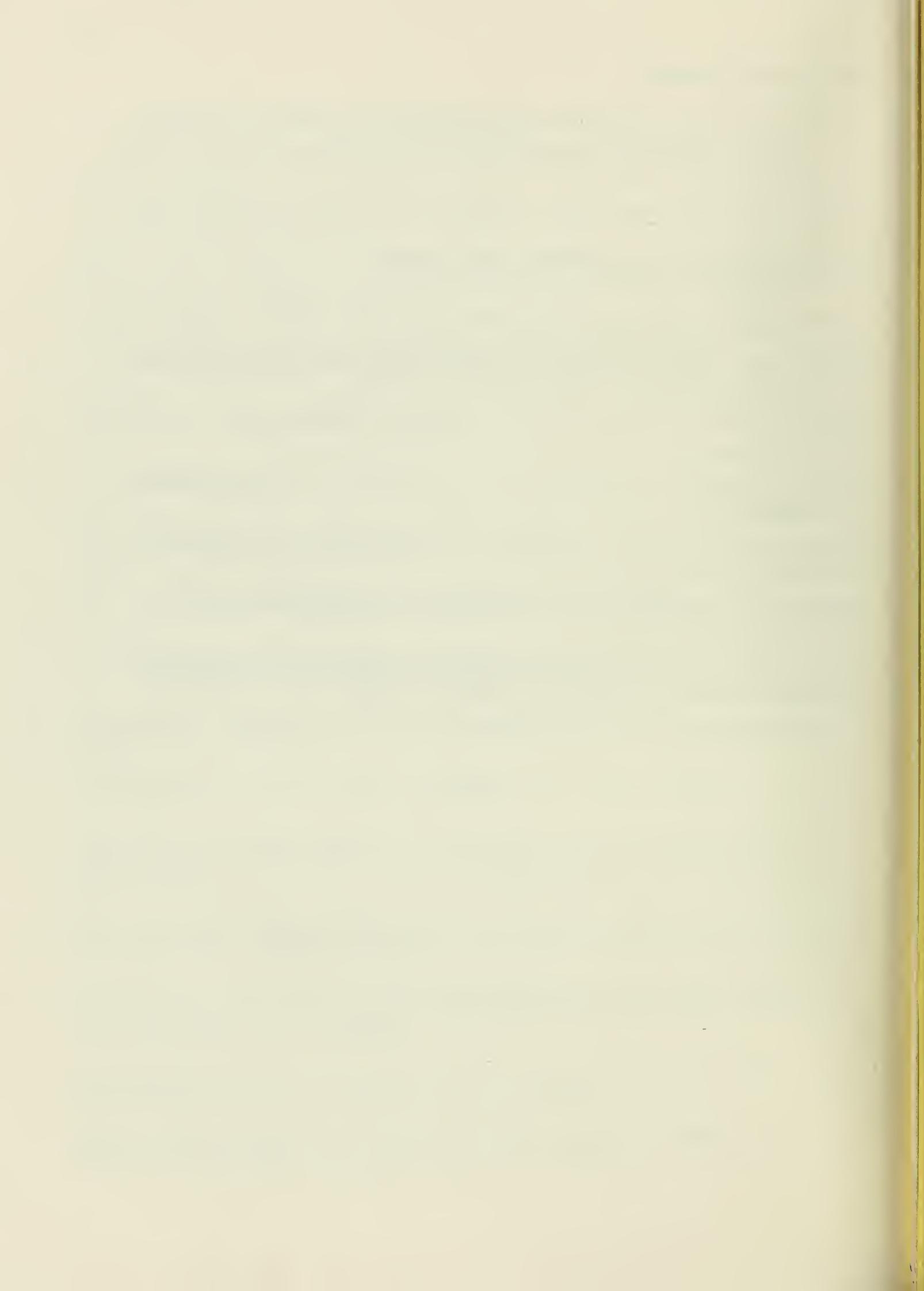
Governor's Office of Human Resources, Governor's Housing Report, Springfield: 1969.

Illinois Legislative Committee on Low Income Housing, For Better Housing in Illinois, 1967.

Regional Planning Council, Baltimore, Md., State Housing Programs: An Analysis, Baltimore: March 1968.

Report of the Federal Task Force on Housing and Urban Development, Ottawa, Canada: January 1964.

United Nations, Proceedings of the Seminar on Supply, Development, and Allocation of Land for Housing and Related Purposes, Paris: April 1965.



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